IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

S.B.CRIMINAL REVISION PETITION NO. 404/2007
(Manmohan Sharma Vs. State of Rajasthan & Anr.)

Date of Order : 10.08.2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. J.P.Joshi, for the petitioner.
Mr. V.R.Mehta, P.P. for the respondent State.

BY THE COURT:-

By the instant criminal revision under Section 397/401 Cr.P.C., the petitioner has challenged the order taking cognizance dated 13.2.2007 passed by Chief Judicial Magistrate, Nagaur (for short 'the trial court' hereinafter).

Heard learned counsel for the petitioner.

Learned counsel for the petitioner submits that the petitioner has been summoned by a non-bailable warrant and therefore, at this stage the petitioner does not want to press the order taking cognizance, but he may be summoned by a bailable warrant.

In my view, it would be more appropriate if the petitioner surrenders before the trial court and move a regular

bail.

Learned counsel for the petitioner submits that the petitioner would surrender and appear before the trial court on or before 25.9.2007 and move a regular bail, till then non-bailable warrant issued against him may not be executed.

In this view of the matter, let the petitioner surrender and appear before the trial court on or before 25.9.2007 and if the petitioner moves a regular bail, the trial court shall decide the same in accordance with law on the very day.

Till 25.9.2007, the non-bailable warrant issued against the petitioner shall not be executed. However, it is made clear that if the petitioner fails to surrender on or before 25.9.2007 before the trial court, it will be open for the trial court to secure the presence of the petitioner by a non-bailable warrant.

With these directions, the revision petition stands disposed of.

(H.R.PANWAR),J.

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